

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 24-cv-23649-BLOOM/Elfenbein

BOOM FUNDED, LLC,

Plaintiff,

v.

AEVA, LLC, and BARBARA DEINET,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS**

THIS CAUSE is before the Court upon Plaintiff Boom Funded, LLC's Motion to Strike Affirmative Defenses ("Motion"), ECF No. [10], which was previously referred to the Honorable Marty Fulgueira Elfenbein for a Report and Recommendation ("R&R"). *See* ECF No. [21]. On March 11, 2025, Judge Elfenbein issued an R&R recommending that Plaintiff's Motion be granted in part and denied in part. ECF No. [63]. The R&R advised that "the parties have fourteen (14) days from the date of being served with a copy of this Report and Recommendation within which to file written objections[.]" *Id.* at 15. To date, no party has filed any objections nor have they sought additional time to file objections. The Court has, nonetheless, conducted a *de novo* review of the R&R and the record and is otherwise fully advised in the premises. *See Jilliams v. McNeil*, 557 F.3d 1287, 1291 (11th Cir. 2009) (citing 28 U.S.C. § 636(b)(1)).

Upon review, the Court finds Judge Elfenbein's R&R to be well reasoned and correct. The Court agrees with the analysis in the R&R and concludes that the Motion be granted in part and denied in part for the reasons set forth therein.

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Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The R&R, **ECF No. [63]**, is **ADOPTED**;
2. Plaintiff's Motion to Strike Affirmative Defenses, **ECF No. [10]**, is **GRANTED IN PART AND DENIED IN PART**. Defendants' Second and Fourth Affirmative Defenses are **STRICKEN**.

DONE AND ORDERED in Chambers at Miami, Florida, on March 26, 2025.



BETH BLOOM
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record